



NAVAJO COUNTY  
PUBLIC WORKS DEPARTMENT  
PLANNING & ZONING

## STAFF REPORT

### BOARD OF ADJUSTMENT

**HEARING DATE:** July 8, 2015  
**CASE NO:** 15-19  
**ACTION:** Use Permit  
**APPLICANT/OWNER:** HopeFaith Assisted Living Corp.

**PARCEL INFORMATION:**

**Address:** 965 Full House Lane  
**APN:** 409-25-003B  
**Legal Desc:** A portion of Section 9, Township 10 North, Range 21 East, of the Gila and Salt River Meridian, in the Linden area.  
**District:** IV  
**Parcel Size:** 5.0 Acres

**STATED REASON FOR REQUEST:** The applicant would like to operate an Assisted Living Facility in the existing building most recently used by TLC Supported Living Services of Arizona as a day care center. The property is located just off Highway 260 on Full House Lane, and is across the street from Sequoia School. The existing building, existing parking lot and grounds occupy approximately 20% of the westerly portion of the 5 acre parcel. The existing building is 8,300+ square feet, and will be renovated to accommodate 20 assisted living clients in individual bedrooms. The applicant believes that the proposed use is not only compatible with the surrounding area which includes a Charter School but in all likelihood will be a quieter use than the previously approved use as a Day Care Facility.

**BACKGROUND & DISCUSSION:** The A-General District, under Section 302.10, allows for hospitals and institutions of an educational, religious, charitable or philanthropic nature. Homes for the aged, nursing homes and convalescent homes may be allowed with a Use Permit issued by the Board of Adjustment.

As the proposed Use Permit is allowed, subject to meeting the requirements of the Zoning Ordinance and other applicable regulations (as stipulated below), staff is not aware of any public or other objections. Staff supports granting the Use Permit.

## **NAVAJO COUNTY ORDINANCES, PLANS, & REGULATIONS:**

### **ZONING DISTRICTS:**

A-General: The main purpose of this A-General Zone is to provide for all the unincorporated area of the County, except land within the boundary of a reservation and outside the authority of Navajo County not otherwise designated for some other specific zone, to be included in the "A-General Zone", by this Ordinance. No subdividing shall be conducted or approved in the "A-General Zone", without prior re-zoning of the land so intended. Uses permitted in the "A-General Zone", include farm and non-farm residential uses, farms, recreational, institutional, commercial and industrial uses as specifically listed in this Article. Other uses may be permitted as Special Uses under Article 20. Guest houses and quarters for servants and caretakers employed on the premises, providing that the lot be a minimum of ten thousand square feet, (10,000 sq.ft.) in area, that all buildings meet all building setbacks, that the guest house or servants and caretakers quarters be no greater than seventy-percent (70%) of the square footage of the principal dwelling and subject to securing a Use Permit from the Board of Adjustment.

### **ZONING ORDINANCE:**

- Article 3 / Section 302.10: Use Regulations

10. *Hospitals and institutions of an educational, religious, charitable or philanthropic nature provided the buildings for such uses are set back from all lot lines a distance of not less than two (2) feet for each foot of building height. Homes for the aged, nursing homes and convalescent homes may be allowed with a Use Permit issued by the Board of Adjustment*

- Article 28 / Section 2802.3: Board of Adjustment / Powers and Duties

3. *Use Permits. The board may grant use permits as permitted by the regulations applicable to the zoning district in which the property is located. No use permit shall be granted unless the board finds that the use and the manner of conducting it (including any associated buildings or*

*structures) will be consistent with the intent and purposes of the Zoning Ordinance and will not be detrimental to persons residing or working in the vicinity, to adjacent property or the neighborhood in general, or to the public welfare. In granting a use permit, appropriate conditions to preserve the intent and purposes of the Zoning Ordinance may be prescribed (including, without limitation, the acquisition of right-of-way for street widening purposes in accordance with the recommendations of the Public Works Department if it appears that the use would increase traffic congestion). Unless otherwise stated on the permit, a use permit shall be permanent and shall run with the land.*

**GENERAL CHARACTER OF AREA:** This parcel is located in a residential area with a Charter School, and sparsely populated single-family residential homes.

**REVIEWING AGENCY COMMENTS:**

**ENGINEERING:**

Engineering Staff has no objection to the proposed Use Permit given that the recommendations made by the Staff are met.

Initial: W.R.B.

**FLOOD CONTROL:**

The Flood Control staff has reviewed the application for a Use Permit on the subject parcel. A review of the FEMA floodplain map shows that this property is not in a floodplain. The Flood Control Staff has no objection to the proposed Use Permit.

Initial: R.P.

**COUNTY ATTORNEY:**

The County Attorney has no issues as long as applicant obeys all local, State and Federal laws and regulations.

Initial: BSC

**IN SUMMARY:**

The Planning & Zoning staff has reviewed the Use Permit request and determined it is ready for Board action.

Initial: P.S.

**PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Board grant this request for a Use Permit, staff recommends the following conditions be applied:

1. The use of the Assisted Living Facility shall comply with all Navajo County, State, Federal regulations and all applicable provisions of the Navajo County Zoning Ordinance.

2. The applicant shall obtain all required Navajo County permits, including but not limited to, building department, health department, alternative sanitary system, grading, and drainage permits, prior to occupancy of the assisted living quarters.
3. Prior to occupancy of the assisted living quarters, the applicant is to provide documentation to Navajo County that the alternative sanitary system complies with all applicable Navajo County requirements.
4. All drainage and grading issues shall be addressed to the satisfaction of Navajo County Public Works prior to obtaining building permits.



## **RESOLUTION NO. 15-04B**

### **A RESOLUTION OF THE NAVAJO COUNTY BOARD OF ADJUSTMENT, APPROVING A USE PERMIT**

**WHEREAS**, the Navajo County Board of Adjustment is authorized by Section 2802(3) of the Navajo County Zoning Ordinance to grant Use Permits upon the terms and conditions set forth therein; and

**WHEREAS**, at a duly noticed public hearing held this date the Board of Adjustment determined that the following Use Permit should be approved subject to the conditions set forth herein:

<b>OWNER:</b>	HOPEFAITH ASSISTED LIVING CORP.
<b>PARCEL:</b>	212-04-166D
<b>LEGAL DESCRIPTION:</b>	NAVAJO COUNTY ASSESSOR'S PARCEL NO. 409-25-003B in Section 9, Township 10 North, Range 21 East, G&SRM, Navajo County, in the Linden area.
<b>APPROVED USE:</b>	BUILDING A PRIMARY DWELLING IN ADDITION TO PERMANENT GUEST QUARTERS.

**NOW, THEREFORE, BE IT RESOLVED** by the Navajo County Board of Adjustment that a Use Permit for the above-described use on the subject parcel is hereby **APPROVED** subject to the following conditions:

1. The use of the Assisted Living Facility shall comply with all Navajo County, State, Federal regulations and all applicable provisions of the Navajo County Zoning Ordinance.
2. The applicant shall obtain all required Navajo County permits, including but not limited to, building department, health department, alternative sanitary system, grading, and drainage permits, prior to occupancy of the assisted living quarters.
3. Prior to occupancy of the assisted living quarters, the applicant is to provide documentation to Navajo County that the alternative sanitary system complies with all applicable Navajo County requirements.
4. All drainage and grading issues shall be addressed to the satisfaction of Navajo County Public Works prior to obtaining building permits.

The Secretary shall transmit this Resolution to the Navajo County Recorder's Office for recordation.

**PASSED AND ADOPTED** by the Navajo County Board of Adjustment on \_\_\_\_\_,  
with a vote of \_\_\_\_ yeas, \_\_\_\_ nays.

\_\_\_\_\_  
Chairman  
Navajo County Board of Adjustment

ATTEST:

\_\_\_\_\_  
Secretary

## **RESOLUTION NO. 15-04B**

### **A RESOLUTION OF THE NAVAJO COUNTY BOARD OF ADJUSTMENT, DENYING A USE PERMIT**

**WHEREAS**, the Navajo County Board of Adjustment is authorized by Section 2802(3) of the Navajo County Zoning Ordinance to grant Use Permits upon the terms and conditions set forth therein; and

**WHEREAS**, at a duly noticed public hearing held this date the Board of Adjustment determined that the following request for Use Permit should be denied:

<b>OWNER:</b>	HOPEFAITH ASSISTED LIVING FACILITY
<b>PARCEL:</b>	NAVAJO COUNTY ASSESSOR'S PARCEL NO. 212-04-166D in Section 5, Township 9 North, Range 22 East, G&SRM, Navajo County, in the Show Low area.
<b>LEGAL DESCRIPTION:</b>	Authorization by owner/agent on Use Permit Application signed and notarized on June 15, 2015.
<b>DENIED USE:</b>	OPERATE AN ASSISTED LIVING FACILITY IN AN EXISTING 8,300 Sq. ft. building.

**NOW, THEREFORE, BE IT RESOLVED** by the Navajo County Board of Adjustment that a Use Permit for the above-described use on the subject parcel is hereby DENIED.

The Secretary shall transmit this Resolution to the Navajo County Recorder's Office for recordation.

**PASSED AND ADOPTED** by the Navajo County Board of Adjustment on \_\_\_\_\_.

\_\_\_\_\_  
Bill Arendell, Chairman  
Navajo County Board of Adjustment

ATTEST:

\_\_\_\_\_  
Kristyn Saunders, Secretary



# NAVAJO COUNTY PUBLIC WORKS DEPARTMENT PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive  
Holbrook, Arizona 86025  
(928) 524-4100 FAX (928) 524-4399

## APPLICATION USE PERMIT

### OWNER INFORMATION:

OWNER'S NAME: FEDERAL HOME LOAN & CORP (SERVIER)  
AGENT/POINT OF CONTACT: CHUCK TEETSEL  
CONTACT PHONE NO.: 928 242-0447 FAX NO.: 928 369-9909  
MAILING ADDRESS: P.O. Box 1858  
CITY: PINETOP STATE: AZ ZIP CODE: 85935

### SUBJECT PARCEL INFORMATION:

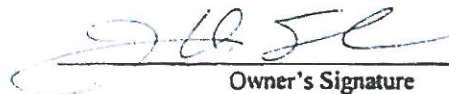
LEGAL DESCRIPTION: T 10 N-R 21 E, SECTION 9, ASSESSOR PARCEL NO.: 409-25-003B  
SUBDIVISION NAME: FALL HOLLOW RANCHES #1 LOT: 3  
RURAL ADDRESS: 965 Full House Lane AREA: \_\_\_\_\_  
PARCEL SIZE: 5.0 Acres DATE OF OWNERSHIP: 5/6/2014  
PRESENT USE OF PROPERTY: PRIVATE SCHOOL - (CLOSED DAY CARE CENTER)  
PROPOSED USE: ASSISTED LIVING FACILITY  
GENERAL DIRECTION TO PARCEL: From Snow Low Intersection of 60/260, West 5 Miles To Full House Ln - South To Property

### CURRENT ZONING: (Please check appropriate Zoning Classification)

☒ A-Gen ☐ RU-20 ☐ RU-10 ☐ RU-5 ☐ RU-1 ☐ R1-43 ☐ R1-10  
☐ R-2 ☐ R-3 ☐ C-R ☐ I-1 ☐ I-2 ☐ Special Development

### OWNER'S AFFIDAVIT:

I, (print name) JAMES D. SALAS, being duly sworn, depose and say that I am an owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

  
Owner's Signature

STATE OF ARIZONA )  
COUNTY OF SS )

Sworn and subscribed before me on this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

*see attached.*

\_\_\_\_\_  
My Commission Expires

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)  
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

\_\_\_\_\_  
Signature of Document Signer No. 1\_\_\_\_\_  
Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

Subscribed and sworn to (or affirmed) before me

on this 16 day of June, 2015  
by \_\_\_\_\_  
Date Month Year(1) James D. Salas(and (2) \_\_\_\_\_),  
Name(s) of Signer(s)proved to me on the basis of satisfactory evidence  
to be the person(s) who appeared before me.Signature Gisel Rosales  
Signature of Notary Public

Seal  
Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Application / Use Permit Document Date: 6/16/2015  
Number of Pages: 1 Signer(s) Other Than Named Above: n/a.

June 16, 2015

Peggy Saunders  
Navajo County Public Works Department  
Planning & Zoning  
Post Office Box 668 - 100 East Code Talkers Drive  
Holbrook, AZ 86025

Re: Special Use Permit for Consideration by the Navajo County Board of Adjustment

Dear Ms. Saunders and the Board of Adjustment.

This application is for the purpose obtaining a Use Permit to operate an Assisted Living Facility in the building most recently used by TLC Supported Living Services of Arizona as a day care center. The property is located just off Hwy 260 on Full House Lane and is across the street from Sequoia School. The existing building, parking lot and grounds occupy approximately 20% of the east end of the 5 acre parcel.

The property is presently lender owned and has been vacant for several years. Aaxios Financial and Federal Homes Loans Corp (the Servicer) foreclosed and took possession of the property in May 2014. In addition to the current owner, the Agent indicated (Chuck Teetsel) represents both the Investor purchasing the property as well as Hopefaith Assisted Living Corp., the proposed operator of the Assisted Living Facility that will lease the building from the purchaser. Both the sale and subsequent lease of the building are contingent on the approval of a Use Permit for the intended use. Mr. Teetsel will represent all concerned at the Board of Adjustment Hearing and will provide any additional required information and documentation.

The building is 8,300+ square feet and will be renovated to accommodate 20 assisted living clients in individual bedrooms. A construction draftsman, registered architect and general contractor have been involved in the plans for tenant improvements. It is the belief of the applicant, investor and eventual user (tenant) that the proposed use is not only compatible with the surrounding area which includes a Charter School but in all likelihood will be quieter use than the previously approved use as a Day Care Facility.

Thank you for your consideration,

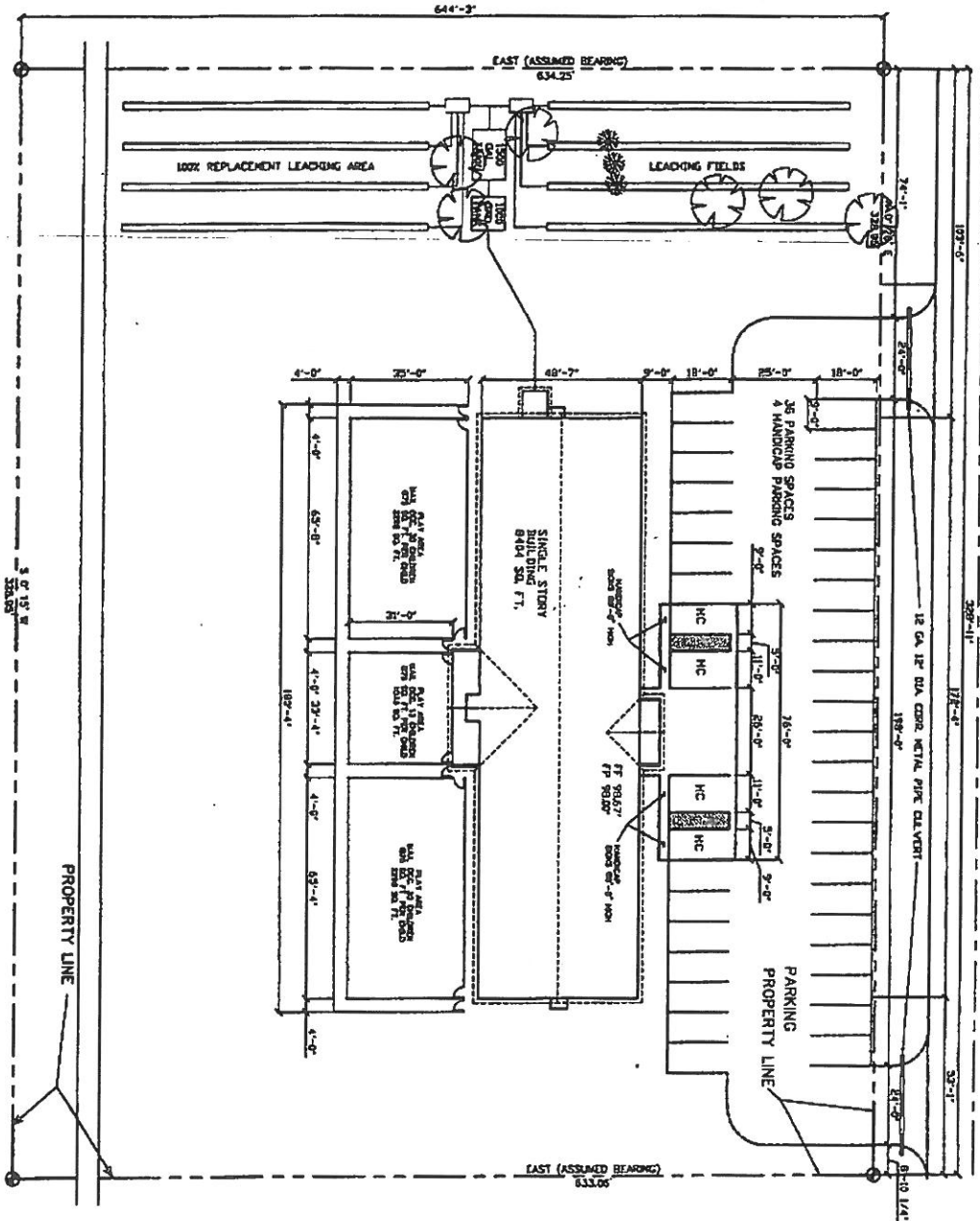


Chuck Teetsel  
P.O. Box 1858  
Pinetop, AZ 85935  
928 242-0447  
chuck@ilovepinetop.com





# 6 FULL HOUSE LANE



CONCRETE PLAN

SCALE: 1/8" = 1'-0"



SHEET NUMBER

2

SITE PLAN

COUNTRY HOME DAY CARE  
6 FULL HOUSE LANE  
SHOWLOW, ARIZONA 85901

DRAWN BY  
REVIEWED BY  
DATE

11-09-00  
REVISED



